DETAILED ACTION

1.   As per Board of Patent Appeals and Interferences' Decision on Appeal 2008-002152 dated 06/08/2009, claim 112 rejection is reversed. Claims 1-111 is to be cancelled. Further examination has determined that claim 112 is to be allowed.

2.   Applicant's further amendment received on 08/17/2009 has been entered into record. Claim 112 is amended.

3.   Amendment received on 11/30/2005 was entered. Claims 111-112 were new.

Priority

4.   This application has no priority claim made. The filing date is 11/20/2001.

Examiner's Amendment

5.   An examiner's amendment to the record appears below. Should the changes and/or

additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR

1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the

payment of the issue fee.

6.   Authorization for this examiner's amendment was given in a telephone interview with

Elliot Frank (reg. no. 56,641) on 01/20/2010.

7.   The application has been amended against applicant submitted claim set dated

08/17/2009 as follows (only examiner amended claims are shown):

IN THE CLAIMS

1-111. (Cancelled)

112. (Currently Amended) ~~The method according to claim 1,~~ A method for constructing a data

packet having both a payload segment that carries data associated with a link layer (MAC) or

network layer (IP) address and a header segment that has one or more fields, the method

comprising:

　　　　　generating an address value based on the IP or MAC address at a transmitting terminal;

　　　　　formatting the address value; and

　　　　　populating the formatted address value into a field of the header that will be used as a

selection criteria by a receiving terminal, wherein the selection criteria is established without the

use of tables used to link a PID to a multicast IP address.

Reasons for Allowance

8.   Claim 112 is allowed as amendment above.

The following is an examiner's statement of reasons for allowance:

The closest prior arts of record issued to Momirov (US 6216167 B1), Chauvel et al. (US 6226291 B1) and Bigham et al. (US 5544161 A) together fail to teach or suggest "a method for constructing a data packet having both a payload segment that carries data associated with a link layer (MAC) or network layer (IP) address and a header segment that has one or more fields, the method comprising: generating an address value based on the IP or MAC address at a transmitting terminal; formatting the address value; and populating the formatted address value into a field of the header that will be used as a selection criteria by a receiving terminal, wherein the selection criteria is established without the use of tables used to link a PID to a multicast IP address" as argued by Applicant [See items A and C in section VII of Argument as per appellant's Appeal Brief Filed on 02/28/2007]. Applicant argues that Momirov has shown including additional IP, MAC and other protocol related information in a packet header that the receiving terminal may use the header as a selection criteria without having to access cross reference tables; the further limitation of claim 112, i.e. "wherein the selection criteria is established without the use of tables used to link a PID to a multicast IP address" distinguishes the claimed invention from Momirov; and claim 112 is not of the same scope as claims 1-3, 5 and 7-10 (see 3rd paragraph on page 11 through 1st paragraph on page 12 of Appeal Brief Filed). These arguments are considered persuasive as per Analysis in Patent Appeals and Interferences' Decision on Appeal 2008-002152 dated 06/08/2009 and as per examiner's further examination and search results.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Peling A. Shaw whose telephone number is (571) 272-7968. The

examiner can normally be reached on M-F 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, William C. Vaughn can be reached on (571) 272-3922. The fax phone number for

the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the statu9s of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Peling A Shaw/
Examiner, Art Unit 2444